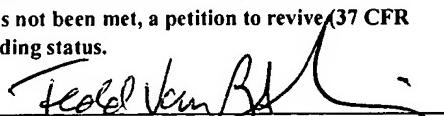


#2

JC10 Rec'd PCT/PTO 23 JUN 2005

FORM PTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-93)		ATTORNEY'S DOCKET NUMBER	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		80337-0018	
U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)		10/524,864	
INTERNATIONAL APPLICATION NO. PCT/US2002/025654	INTERNATIONAL FILING DATE August 13, 2002	PRIORITY DATE CLAIMED August 13, 2002	
TITLE OF INVENTION REMOTELY ADJUSTABLE GASTRIC BANDING DEVICE AND METHOD			
APPLICANT(S) FOR DO/EO/US Frederick L. COE			
Applicant hereewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>			
Items 11 to 20 below concern other document(s) or information included:			
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, PTO Form 1449 and copy of International Search Report.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>16. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825</p> <p>17. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>18. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> Other items or information:</p>			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 10/524,864	INTERNATIONAL APPLICATION NO. PCT/US2002/025654	ATTORNEY'S DOCKET NUMBER 80337-0018	
20. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS	PTO USE ONLY
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):			
Basic National Stage fee \$300.00			
National Stage Search fee \$500.00			
National Stage Examination fee \$200.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))		\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	- 20 = 0	x \$ 50.00	\$
Independent Claims	- 3 = 0	x \$ 200.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$ 360.00	\$
For every 50 sheets or fraction thereof of the specification and drawings that exceeds 100 sheets (excluding any sequence listing or computer program listing filed in an electronic medium)		+ \$ 250.00	
TOTAL OF ABOVE CALCULATIONS =		\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.		+ \$	
		SUBTOTAL =	\$
Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$	
TOTAL NATIONAL FEE =		\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property		\$	
TOTAL FEES ENCLOSED =		\$ 130.00	
06/29/2005 GFFEY1 00000123 503024 10524864		Amount to be refunded:	
01-FC:1617 130.00 DA		charged:	
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed.			
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-3024</u> in the amount of <u>\$130.00</u> to cover the above fees.			
07/18/2005 SAHIEDY1 00000123 503024 A duplicate copy of this sheet is enclosed.			
c. <input checked="" type="checkbox"/> Commissioner is hereby authorized to charge any additional fees which may be required, or credit any adjustment due: 07/18/2005 to my Deposit Account No. <u>50-3024</u> . A duplicate copy of this sheet is enclosed.			
06/29/2005 GFFEY1 00000123 503024 10524864			
d. <input type="checkbox"/> \$130.00 fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO:			
Hogan & Hartson L.L.P. 875 Third Avenue New York, New York 10022 Tel. (212) 918-3688 Fax (212) 918-3100			
Customer Number: 41913			
Date: June 23, 2005			



SIGNATURE

Tedd W. Van Buskirk

NAME

46,282

REGISTRATION NUMBER

CERTIFICATE OF EXPRESS MAILING

Express Mailing Label EL 753417631 US

I hereby certify that this correspondence is being:

deposited with the United States Postal Service as "Express Mail Post Office to Addressee" on the date shown below with sufficient postage and is addressed to : Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 23, 2005

Signature:



Lynn Jorgensen
Hogan & Hartson LLP

Typed or printed name of person signing certificate